

GALAXYWORKS

APR 06 2005

PATENT APPLICATION

Docket: 6300.96.1

## I IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|   |   |          |
|---|---|----------|
| In re application of                      | ) |          |
|   | ) |          |
| A. Bruno Frazier et al.                   | ) |          |
|   | ) |          |
| Serial No.: 09/787,498                    | ) |          |
|   | ) | Art Unit |
| Filed: March 16, 2001                     | ) | 3743     |
|   | ) |          |
| For: SURFACE MICROMACHINED MICRON NEEDLES | ) |          |
|   | ) |          |
| Confirmation No.: 3953                    | ) |          |
|   | ) |          |
| Examiner: Kathryn Odland                  | ) |          |

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Declarant, Rajiv K. Kulkarni, represents that he is the Senior Tech. Licensing <sup>Manager</sup> of The University of Utah Research Foundation, a non-profit corporation of the State of Utah, having a principal place of business at 615 Arapen Drive, Suite 110, Salt Lake City, Utah 84108, and that he is authorized to make this Declaration and execute this Terminal Disclaimer on behalf of The University of Utah Research Foundation. Declarant further represents that The University of Utah Research Foundation is the assignee of the entire interest, as shown by the Assignment from The University of Utah recorded at reel 011744, frame 0170 (a copy of which is attached hereto as Exhibit A) in the records of the U.S. Patent and Trademark Office, of the above-

identified application. The University of Utah was the assignee of the entire interest, as shown by the Assignment from each of the inventors recorded at reel 011744, frame 0167 (a copy of which is attached hereto as Exhibit B) in the records of the U.S. Patent and Trademark Office, of the above-identified application.

Declarant hereby further certifies that the evidentiary documents at Exhibits A and B have been reviewed by him/her, and to the best of the Declarant's knowledge and belief, title is in the Assignee seeking to take action.

The Assignee hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of said U.S. Patent No. 5,871,158 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to said U.S. Patent No. 5,871,158, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

The Assignee does not disclaim any terminal part of any patent granted on the above-identified application that would extend beyond the term of said U.S. Patent No. 5,871,158 in the event that said U.S. Patent No. 5,871,158 later: (a) expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a); (b) has all claims cancelled by a reexamination certificate; or (c) is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Declarant further declares that all statements made herein of Declarant's own knowledge are true and that all statements made on information and belief are believed to be true; and

further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

DATED this 23<sup>RD</sup> day of March 2005.

THE UNIVERSITY OF UTAH  
RESEARCH FOUNDATION

By:

RK Kulkarni

Name: Rajiv K. Kulkarni

Title: Senior Licensing Manager

DFR000008383V001